

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION

4 GARY BRICE McBAY,
5 Plaintiff,

6 VERSUS CIVIL ACTION NO: 1:07cv1205LG-RHW

7 HARRISON COUNTY, MISSISSIPPI,
8 by and through its Board of
9 Supervisors; HARRISON COUNTY
10 SHERIFF, George Payne, in his
11 official capacity; CORRECTIONS
12 OFFICER MORGAN THOMPSON,
13 acting under color of state law,
14 Defendants.

13 **30(b) (6) DEPOSITION OF HARRISON
14 COUNTY SHERIFF'S DEPARTMENT,
15 GIBRAN WERBY, DESIGNEE**

16 Taken at the offices of Dukes, Dukes,
17 Keating & Faneca, P.A., 2909 13th
18 Street, Sixth Floor, Gulfport,
19 Mississippi, on Friday, October 2, 2009,
20 beginning at 9:07 a.m.

21 **APPEARANCES:**

22 MARK V. WATTS, ESQUIRE
23 Brown Buchanan, P.A.
24 796 Vieux Marche' Mall, Suite 1
25 Biloxi, Mississippi 39530
 ATTORNEY FOR PLAINTIFF

EXHIBIT

A

tabbies®

1 MS. BROOM:

2 That's fine.

3 MR. WATTS:

4 Q. So were you with Harrison County after
5 the storm for just a month or was it a few months
6 after?

7 A. Oh, no. It was a just -- it was a very
8 short period of time. Until the FBI came back up,
9 then I went back with them.

10 Q. Okay. And so when you were there, you
11 had occasion to work on an incident with an
12 arrestee named William David Seal?

13 A. I did.

14 Q. And how did you get that assignment?

15 A. As it normally was done through the
16 sheriff who directed Steve Campbell who directed
17 me.

18 Q. And when you would get an assignment to
19 go and do an investigation, what would be the
20 first things you would do to start that
21 investigation?

22 A. Read whatever report was available from
23 the complainant, if it was an outside complaint.
24 If it was an internal type of thing, I would read
25 whatever reports were generated from the internal

1 A. I just remember Wills and Thompson.

2 Q. Okay. Once you got their names, did you
3 go and interview Wills and/or Thompson?

4 A. Wills.

5 Q. You did not interview Thompson?

6 A. Either he was not available -- I'll
7 be -- to be honest with you, I don't remember. I
8 don't believe I interviewed Thompson.

9 MS. BROOM:

10 Don't speculate. Only state what you
11 remember.

12 THE WITNESS:

13 I just know that I interviewed Wills
14 because I have notes on that.

15 MR. WATTS:

16 Q. And that was going to be my next
17 question. Did you record the interview?

18 A. No.

19 Q. When you worked at Professional
20 Standards, was it a normal procedure to record
21 interviews with correctional officers?

22 A. It depended on the situation.

23 Q. What would it depend upon?

24 A. If it was just a minor incident, I would
25 just try to go down and interview as many people

1 A. She provided me with medical records,
2 and I read them to see what they put down. I
3 mean, that was their official documentation of the
4 incident.

5 Q. Did you record the interview with
6 Ms. Parker?

7 A. No.

8 Q. So you just read her records. Did she
9 have any impressions herself? Did she make any
10 statements to you?

11 A. I don't remember.

12 Q. Did you make any notes of any statements
13 that she would have made?

14 A. I just read the report.

15 Q. Did you make any notes of the statements
16 of Mr. Wills that are not contained in the report?

17 A. I have my notes right here.

18 Q. Do you mind if I look at those?

19 MS. BROOM:

20 Those have been produced in discovery as
21 well.

22 MR. WATTS:

23 I'll make these the next exhibit. It
24 will be Exhibit 20.

25 (Exhibit 20 was marked.)

1 A. I didn't see that. I don't remember
2 seeing that.

3 Q. Did you just stop watching it after they
4 took him to the ground?

5 A. Yeah. After we saw that he did
6 something to allow them to use the use of force.
7 That's all I was looking to see, if they actually
8 had a reason to take him to the ground. And when
9 I saw that, I realized that Wills was telling me a
10 true statement, that he did try to strike Morgan
11 Thompson.

12 Q. Did Mr. Campbell save a copy of this
13 digital recording?

14 A. I don't know.

15 Q. Was it his normal procedure to save
16 copies of digital recordings?

17 A. I don't know what his -- what his -- it
18 was up to him to do whatever he wanted with it,
19 sir.

20 Q. Did Mr. Campbell tell you that Mr. Seal
21 had been in certain chat rooms on-line and was
22 saying things about this incident?

23 A. I don't know anything about that.

24 Q. Were you aware that Mr. Campbell called
25 Mr. Seal and talked to him about this incident?

1 A. I was not aware.

2 Q. You were not aware. Are you aware that
3 he recorded that conversation?

4 A. I don't know.

5 Q. When you do an investigation such as
6 this one in Seal, is it normal for you and
7 Mr. Campbell to talk to the complainant?

8 A. No, not normal.

9 Q. Are you aware that there's a number of
10 correctional officers, specifically from the
11 booking room, that have pled guilty to certain
12 crimes?

13 A. I read that in the newspaper.

14 Q. And we've marked as exhibits some of
15 their plea agreements. And I'll just take Exhibit
16 6, for example, and it's Morgan Thompson's plea
17 agreement. And it says --

18 MS. BROOM:

19 I'm going to object to the extent we're
20 going outside his designation into the
21 investigation of Seal.

22 MR. WATTS:

23 Q. Morgan Thompson said that he conspired
24 with employees of the jail acting under the color
25 of law to injure, threaten, intimidate inmates by